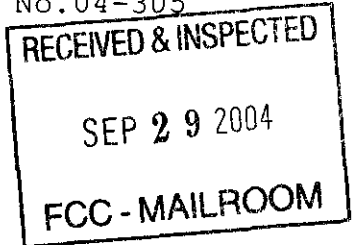


ORIGINAL

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION  
DOCKET NO. 04-305  
Washington, D.C.

In the Matter of )  
 )  
Amendment of Section 73.202(b) )  
Table of Allotments, )  
FM Broadcast Stations )  
Oak Harbor, Washington )

MM Docket No.04-305  
RM-10980



To: Chief, Policy and Rules Division, Media Bureau

COUNTERPROPOSAL

Jodesha Broadcasting, Inc. ("Jodesha"), by its attorney, hereby submits a counterproposal to the proposal that Channel 289A be allotted to Oak Harbor, Washington, which is the subject of the above-referenced rule making proceeding.

Jodesha's counterproposal is that Channel 289A be allotted to Sedro-Woolley, Washington, rather than to Oak Harbor. Sedro-Woolley is an incorporated community which had a 2000 Census population of 8,658 people. Sedro-Woolley currently has no local broadcast service, whereas Oak Harbor receives local service from Station KWDB. Accordingly, under the Commission's allotment priorities, Sedro-Woolley is to be preferred over Oak Harbor.

Attached hereto is an Engineering Statement which establishes that the allotment of Channel 289A to Sedro-Woolley complies with the Commission's mileage separation requirements with respect to domestic FM stations and allotments and that a station serving Sedro-Woolley from the city's reference coordinates will provide principal city coverage to the entire community. The Engineering Statement also notes that, like the

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proposal to allot Channel 289A to Oak Harbor, the proposed Sedro-Woolley allotment is short-spaced to Canadian Station CBU-FM at Vancouver, Columbia. Accordingly, it is requested that the proposal be referred to Canada as a specially-negotiated short-spaced allotment on the understanding that applicants for the channel may need to accept a power restriction towards CBU-FM, a restriction that Jodesha is willing to accept.

If Channel 289A is allotted to Sedro-Woolley, Jodesha will file an application for the channel and will promptly construct a station if its application for the channel is granted.

Respectfully submitted,

  
David Tillotson

4606 Charleston, Terrace, N.W.  
Washington, DC 20007

Tel: 202/625-6241

Email: [dtlaw@starpower.net](mailto:dtlaw@starpower.net)

**Attorney for Jodesha Broadcasting,  
Inc.**

Date: September 27, 2004

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## **ENGINEERING STATEMENT**

**PETITION FOR RULEMAKING TO  
AMEND SECTION 73.202 OF THE RULES  
AND REGULATIONS FOR THE FEDERAL  
COMMUNICATIONS COMMISSION**

**TO ALLOT FM CHANNEL 289A  
FOR USE AT SEDRO-WOOLLEY, WASHINGTON**

**JODESHA BROADCASTING, INC.**

**9/2004**

## **Engineering Statement**

This Engineering Statement has been prepared on behalf of Jodesha Broadcasting, Inc. ("Jodesha"), in support of a Petition for Rulemaking to amend §73.202 of the Commission's Rules to allot Channel 289A for use at Sedro-Woolley, Washington. This proposal is being advanced as a counterproposal in MM Docket No. 04-305, in which Dana J. Puopolo ("Mr. Puopolo") has proposed the allotment of Channel 289A at Oak Harbor, Washington

### **Channel 289A at Sedro-Woolley**

As outlined in the attached channel study, Channel 289A can be allotted for use at Sedro-Woolley in compliance with the Commission's applicable Rules and Regulations regarding the separation among domestic FM stations and allotments. For this study the reference coordinates of Sedro-Woolley (N48-30-14 x W122-14-10) have been used. The nominal distance to the 70 dBu F(50,50) contour for a Class A station is 16.2 kilometers. As demonstrated on the attached map exhibit, this site will provide greater than 70 dBu coverage for all of Sedro-Woolley.

The proposed allotment of Channel 289A at Sedro-Woolley is 139 km short-spaced to the licensed operation of Canadian station CBU-FM on Channel 289C at Vancouver, British Columbia. Jodesha respectfully requests that Channel 289A at Sedro-Woolley be referred to Canada as a specially-negotiated short-spaced allotment. It is understood that it may be necessary to accept a power restriction towards CBU-FM in order to prevent interference to

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that station over Canadian land areas, and Jodesha is willing to accept such a restriction. In this regard, it should be noted that Mr. Puopolo's proposed allotment of Channel 289A at Oak Harbor is also short-spaced to CBU-FM, by 127 km, and would also require specially-negotiated short-spaced status in order to provide interference protection to that station.

The instant counterproposal will provide Sedro-Woolley, an incorporated city with a 2000 Census population of 8,658 persons<sup>1</sup>, with its first local service. By contrast, Oak Harbor is already served by AM station KWDB 1110 kHz.<sup>2</sup>

Grant of the proposed allotment at Sedro-Woolley will provide a total of 101,795 persons within the 60 dBu contour with an additional aural service.

It should also be noted that grant of the proposed Sedro-Woolley allotment, and denial of Mr. Puopolo's proposal for Channel 289A at Oak Harbor, will permit Jodesha to upgrade its FM station KJET at Raymond, Washington, from Channel 289C2 to Channel 289C1 as proposed in BPH-20031021ADK.

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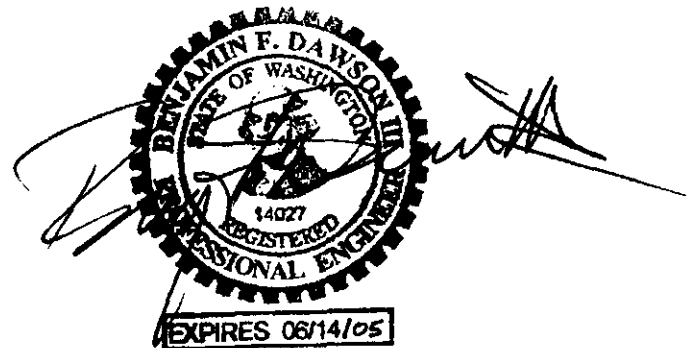
<sup>1</sup>The official Sedro-Woolley city web site ([www.ci.sedro-woolley.wa.us](http://www.ci.sedro-woolley.wa.us)) quotes a population figure of 9,080 persons as of April 1, 2003. Sedro-Woolley is an incorporated city with a mayor and seven-member city council. Municipal services include a Parks Department, Planning Department, Public Works Department, sewer service, Fire Department, and Police Department. The Sedro-Woolley School District ([www.swsd.k12.wa.us](http://www.swsd.k12.wa.us)) provides K-12 education to 4,266 students with 7 elementary, 1 middle, and 2 high schools. The Sedro-Woolley Chamber of Commerce ([www.sedro-woolley.com](http://www.sedro-woolley.com)) sponsors many community events.

<sup>2</sup>KWDB operates as a daytime-only AM station. AM daytime-only stations are considered to be local aural transmission service under the FM allotment priorities. See *Grants, Milan, and Shiprock, New Mexico*, 16 FCC Rcd 20323 (2001).

### Statement of Engineer

This Engineering Statement supporting a Petition for Rulemaking to revise the Table of Allotments at Sedro-Woolley, Washington, has been prepared by Erik C. Swanson under my direct supervision. All representations herein are true to the best of my knowledge. I am an experienced radio engineer whose qualifications are a matter of record with the Federal Communications Commission. I am a partner in the firm of Hatfield & Dawson Consulting Engineers and am Registered as a Professional Engineer in the States of Washington and California.

Signed this 27<sup>th</sup> day of September, 2004.



Benjamin F. Dawson III, P.E.

A handwritten signature in black ink, appearing to read "Erik C. Swanson".

Erik C. Swanson

Hatfield & Dawson Consulting Engineers

## =====

## SEARCH PARAMETERS

FM Database Date: 040827

Channel: 289A 105.7 MHz

Page 1

Latitude: 48 30 14

Longitude: 122 14 10

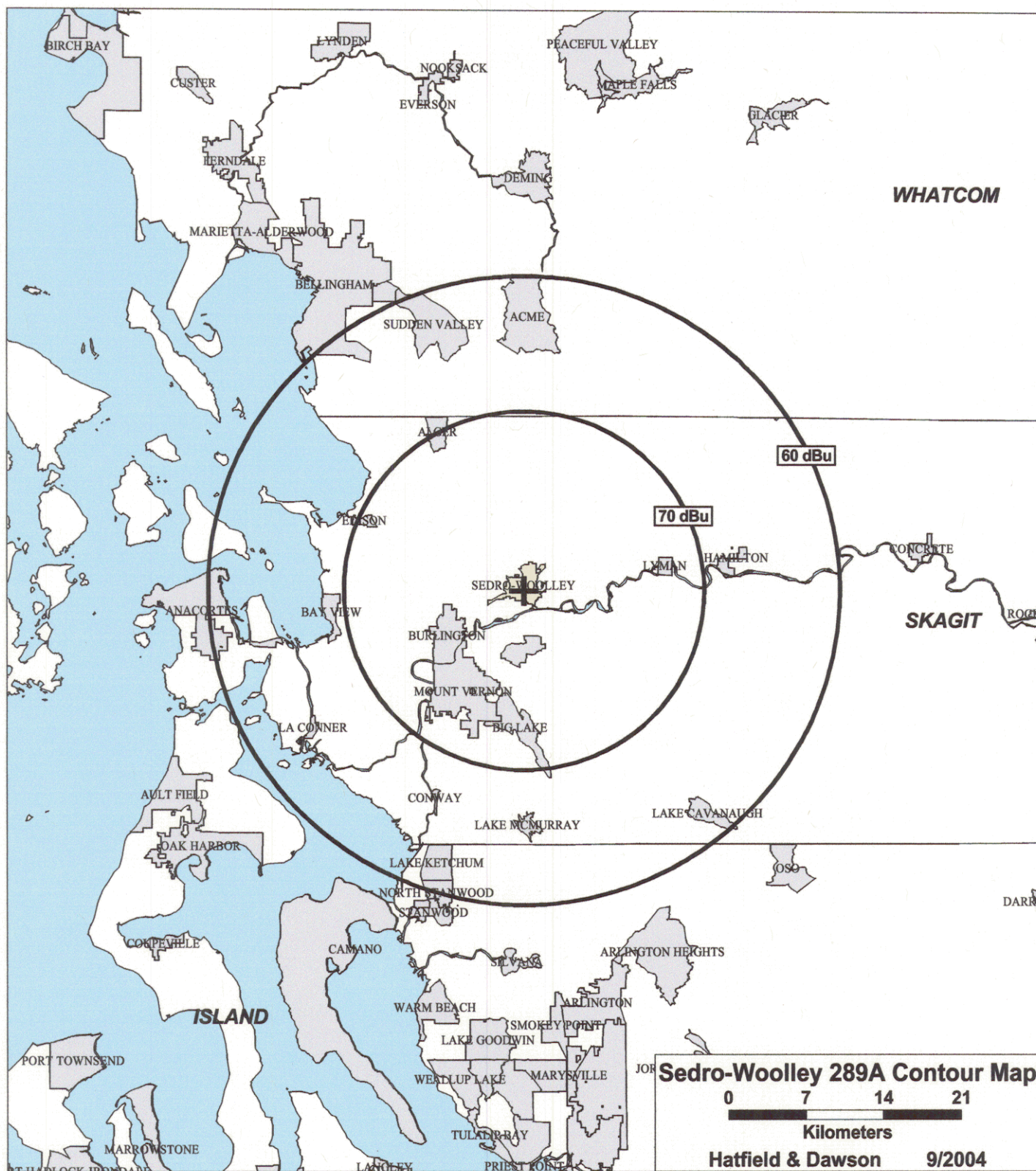
Safety Zone: 32 km

Job Title: SEDRO-WOOLEY 289A ALLOTMENT SITE

Call Status	City St	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-True	Dist (km)	Req (km)
NEW-T	BELLINGHAM		287D	0.011	48-41-22	342.4	21.66	0
APP	WA	BNPFT-030314AYN	105.3	531.0	122-19-32		0.00	TRANS
NEW-T	BELLINGHAM		287D	0.011	48-41-22	342.4	21.66	0
APP	WA	BNPFT-030828AXA	105.3	531.0	122-19-32		0.00	TRANS
KCMS	EDMONDS		287C1	54.000	47-32-40	174.8	107.11	75
LIC	WA	BLH-010212AAE	105.3	385.0	122-06-26		32.11	CLEAR
KCMSaux	EDMONDS		287C1	7.500	47-46-06	186.0	82.24	0
LIC	WA	BXMLH-031212ABF	105.3	220.0	122-21-07		0.00	AUX
CBUFM	VANCOUVER		289C	100.000	49-21-12	331.2	108.16	247
	BC	-	105.7	567.0	122-57-18		-138.84	SHORT
NEW-T	CAMANO		289D	0.115	48-05-11	209.0	53.05	0
APP	WA	BNPFT-030317GYG	105.7	143.0	122-34-56		0.00	TRANS
NEW-T	HOBART		289D	0.015	47-32-31	174.9	107.39	0
APP	WA	BNPFT-030317ACR	105.7	417.0	122-06-28		0.00	TRANS
NEW-T	MERCER ISLAND		289D	0.010	47-36-57	183.1	98.89	0
APP	WA	BNPFT-030311AQJ	105.7	224.0	122-18-26		0.00	TRANS
	OAK HARBOR		289A	0.000	48-17-43	233.5	38.95	115
ADD	WA	RM-10980	105.7	0.0	122-39-31		-76.05	SHORT
NOTE:	INSTANT PROPOSAL IS FILED AS A COUNTERPROPOSAL TO OAK HARBOR 289A							
NEW-T	PORT ANGELES		289D	0.010	48-02-42	239.4	99.24	0
APP	WA	BNPFT-030317GZU	105.7	810.0	123-22-58		0.00	TRANS
KJET	RAYMOND		289C1	0.000	46-58-39	220.9	222.34	200
RSV	WA	-	105.7	0.0	124-09-05		22.34	CLEAR
KJET	RAYMOND		289C1	58.000	46-56-30	214.3	209.00	200
APP	WA	BPH-031021ADK	105.7	158.0	123-47-07	SS	9.00	CLOSE
NEW-T	SEATTLE		289D	0.028	47-36-57	183.1	98.89	0
APP	WA	BNPFT-030317GZV	105.7	292.0	122-18-26		0.00	TRANS
KBKSaux	TACOMA		291C	58.000	47-30-14	170.0	112.89	0
LIC	WA	BXMLH-020312AAA	106.1	714.0	121-58-29		0.00	AUX
KBKS-FM	TACOMA		291C	73.000	47-30-17	169.7	112.89	95
LIC	WA	BLH-001023AFA	106.1	698.0	121-58-04		17.89	CLEAR

===== END OF FM SPACING STUDY FOR CHANNEL 289 =====

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CERTIFICATE OF SERVICE

I, Erik Swanson, do hereby certify that a copy of the foregoing Counterproposal has been sent via first class United States mail, postage pre-paid, this 27th day of September, 2004, to:

Dana J. Puopolo  
2134 Oak Street, Unit C  
Santa Monica, California 90405

  
Erik Swanson